

**REMARKS**

Claims 1-69 are pending in the present application. In the above amendments, claims 1, 7, 13, 18, 24, 30, 35, 41, 47, 52, 58, and 64 have been amended.

**35 U.S.C. § 102(e)**

Claims 1, 3, 7, 9, 13, 14, 18, 20, 24, 26, 30, 31, 35, 37, 41, 43, 47, 48, 52, 53, 58, 60, 64 and 65 are rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by Dailey (U.S. Patent No. 6,449,491). Applicants respectfully traverse the rejection.

Claim 1 of the Applicants' claimed invention has been amended in a manner that renders the present rejection moot. It is respectfully submitted that Dailey fails to teach or disclose at least avoiding a race condition between the service origination process and paging by performing at least one of the following: configuring a communications manager (CM) to not respond immediately to the floor-control request; coordinating operation of a packet data serving node (PDSN) which receives a CM initiated response and a mobile switching center (MSC) which responds to a talker's service origination request; and not issuing a service origination request until after a talker mobile station (MS) has received a response to the floor-control request.

The support for this claim amendment is found in paragraphs [0077], [0078] and [0079] in the Applicants' specification.

Dailey discloses a method and apparatus for conducting group calls in wireless communication systems. There is no mention of addressing a race condition between the service origination process and paging in the manner claimed by the Applicants. Therefore, for at least these reasons, it is respectfully submitted that the rejection be withdrawn and that claim 1 be allowed.

Claim 2 is a dependent claim that depends upon independent claim 1 and should be allowed for at least the same reasons presented above for independent claim 1 as well as the additionally recited features found in this claim.

Claims 7, 13, 18, 24, 30, 35, 41, 47, 52, 58 and 64 are independent claims that have been amended in a manner similar to independent claim 1 and should be allowed for at least the same reasons presented above regarding independent claim 1 as well as their additionally recited features.

Claims 3, 9, 14, 20, 26, 31, 37, 43, 48, 53, 60 and 65 are dependent claims that depend upon independent claims 7, 13, 18, 24, 30, 35, 41, 47, 52, 58 and 64 respectively and should be allowed for at least the same reasons presented above regarding the independent claims that they depend upon.

**35 U.S.C. § 103(a)**

Claims 2, 8, 19, 25, 36, 42, 53 and 59 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Dailey in view of Phillips et al. (US005873023A). Applicants respectfully traverse the rejection.

The Examiner acknowledges that the primary reference, Dailey, is defective because it fails to teach or suggest “caching a response before sending it.” The Examiner then applies Phillips et al. as a secondary reference to make up for the deficiencies of the primary reference.

Without acquiescing to the propriety of the rejection and in the interest of furthering prosecution on the merits, the Applicants respectfully submit that the present claim amendments have also rendered this rejection moot, because neither reference teaches or suggests at least avoiding a race condition between the service origination process and paging by performing at least one of the following: configuring a communications manager (CM) to not respond

immediately to the floor-control request; coordinating operation of a packet data serving node (PDSN) which receives a CM initiated response and a mobile switching center (MSC) which responds to a talker's service origination request; and not issuing a service origination request until after a talker mobile station (MS) has received a response to the floor-control request.

For at least these reasons, it is respectfully requested that the rejection be withdrawn and that claims 2, 8, 19, 25, 36, 42, 53 and 59 be allowed.

**35 U.S.C. § 103(a)**

Claims 4, 5, 10, 11, 16, 21, 22, 27, 28, 33, 38, 39, 44, 45, 50, 55, 56, 61, 62, and 67 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Dailey in view of Kumar et al. (US006507572B1). Applicants respectfully traverse the rejection.

The Examiner acknowledges that the primary reference, Dailey, is defective because it fails to teach or suggest the use of any of the following: the use of a reverse access channel, the use of a reverse enhanced access channel, and the use of a forward common control channel.

The Examiner then applies Kumar et al. as a secondary reference to make up for the deficiencies of the primary reference.

Without acquiescing to the propriety of the rejection and in the interest of furthering prosecution on the merits, the Applicants respectfully submit that the present claim amendments have also rendered this rejection moot, because neither reference teaches or suggests at least avoiding a race condition between the service origination process and paging by performing at least one of the following: configuring a communications manager (CM) to not respond immediately to the floor-control request; coordinating operation of a packet data serving node (PDSN) which receives a CM initiated response and a mobile switching center (MSC) which

responds to a talker's service origination request; and not issuing a service origination request until after a talker mobile station (MS) has received a response to the floor-control request.

For at least these reasons, it is respectfully requested that the rejection be withdrawn and that claims 4, 5, 10, 11, 16, 21, 22, 27, 28, 33, 38, 39, 44, 45, 50, 55, 56, 61, 62, and 67 be allowed.

Claims 6, 12, 23, 29, 40, 46, 51, 57, 63, 68 and 69 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Dailey in view of Wang et al. (US20020055364A1). Applicants respectfully traverse the rejection.

The Examiner acknowledges that the primary reference, Dailey, is defective because it fails to teach or suggest the use of messages in short data burst (SDB) form.

The Examiner then applies Wang et al. as a secondary reference to make up for the deficiencies of the primary reference.

Without acquiescing to the propriety of the rejection and in the interest of furthering prosecution on the merits, the Applicants respectfully submit that the present claim amendments have also rendered this rejection moot for the same reasons presented above.

Therefore, for at least these reasons, it is respectfully requested that the rejection be withdrawn and that claims 6, 12, 23, 29, 40, 46, 51, 57, 63, 68 and 69 be allowed.

Claims 15, 32, 49 and 66 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Dailey in view of Hunzinger (U.S. 20020082032A1). Applicants respectfully traverse the rejection.

The Examiner acknowledges that the primary reference, Dailey, is defective because it fails to teach or suggest receiving an acknowledgment on the forward paging channel.

The Examiner then applies Hunzinger as a secondary reference to make up for the deficiencies of the primary reference.

Without acquiescing to the propriety of the rejection and in the interest of furthering prosecution on the merits, the Applicants respectfully submit that the present claim amendments have also rendered this rejection moot for the same reasons presented above.

Therefore, for at least these reasons, it is respectfully requested that the rejection be withdrawn and that claims 15, 32, 49 and 66 be allowed.

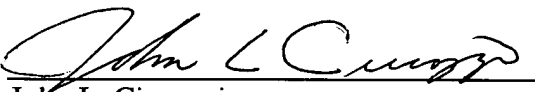
## CONCLUSION

In light of the amendments contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

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